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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GLOCK, INC., a Georgia corporation,

Case No.: 3:23-cv-00086-MMD-CLB

Plaintiff,

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

POLYMER 80, INC. • Name 1, corporation

Defendant

1 COME NOW, Plaintiff GLOCK, Inc., and Defendant Polymer80, Inc. (collectively, “the
 2 Parties”), having met and conferred on November 8, 2023, in accordance with LPR 1-14(a), and
 3 hereby file their Joint Claim Construction and Prehearing Statement for asserted U.S. Patent No.
 4 9,933,222 (“the ‘222 Patent”), as follows:

5 **(a) Construction of those terms on which the parties agree.**

6 As between them, the Parties commonly propose that one claim term/phrase of the ‘222
 7 Patent should be construed by the Court:

- 8 (1) “lower claw” (Claims 1-3)

9 Plaintiff proposes one additional claim term/phrase of the ‘222 Patent for construction:

- 10 (2) “retained by” (Claim 2)

11 Defendant proposed nine additional claim terms/phrases of the ‘222 Patent for construction:

- 12 (3) “pistol” (Claims 1-4)

- 13 (4) “upper claw” (Claims 1-3)

- 14 (5) “compression spring” (Claims 1-3)

- 15 (6) “pretensioned” (Claims 1-2)

- 16 (7) “pretensioned compression spring” (Claims 1-2)

- 17 (8) “pretensioned between the upper claw and the lower claw” (Claims 1-2)

- 18 (9) “helical compression spring” (Claim 3)

- 19 (10) “a pretensioned compression spring disposed between and retained by the
 20 upper and lower opposed claws” (Claims 1-2)

- 21 (11) “holding extensions” (Claim 3)

22 After meeting and conferring, Defendant agrees that the claim phrase “helical compression spring”
 23 (Claim 3) does not need further construction and should be accorded its plain and ordinary meaning.
 24 The Parties presently do not agree on the respective proposed construction of the remaining
 25 proposed terms but intend to further meet and confer to determine whether agreed constructions
 26 can be reached on other terms proposed for construction.

1 **(b) Each party's proposed construction of each disputed term, together with an**
 2 **identification of all references from the specification or prosecution history that**
 3 **support that construction, and an identification of any extrinsic evidence known to the**
 4 **party on which it intends to rely either to support its proposed construction or to**
 5 **oppose any other party's proposed construction, including, but not limited to, as**
 6 **permitted by law, dictionary definitions, citations to learned treatises and prior art,**
 7 **and testimony of percipient and expert witnesses.**

8 As set forth above, 11 claim terms, phrases, or clauses are in dispute. The Parties' respective
 9 proposed constructions for each of the disputed terms are set forth in the Joint Claim Construction
 10 Chart enclosed herewith as Exhibit A, along with the Parties' respective disclosed (1) identification
 11 of all references from the specification or prosecution history supporting their constructions, and
 12 (2) identification of extrinsic evidence known to the Parties on which they intend to rely to support
 13 their respective proposed constructions or to oppose the opposing party's proposed constructions,
 14 including dictionary definitions and citations to learned treatises and prior art.

15 **(c) An identification of the terms whose construction will be most significant to the**
 16 **resolution of the case. The parties must also identify any term whose construction will**
 17 **be case or claim dispositive.**

18 At this time, and before discovery has been completed, Plaintiff identifies the term "lower
 19 claw" as a term whose construction will be most significant to the resolution of the case and may
 20 be case dispositive in view of the current claims of infringement. Defendant does not believe that
 21 any term construction by the Court is case dispositive, nor does Defendant believe "lower claw" is
 22 the most significant term for all claims sought by Plaintiff.

23 **(d) The anticipated length of time necessary for the Claim Construction Hearing.**

24 The Parties anticipate that the time necessary for the Claim Construction Hearing will be
 25 approximately one-half day.

26 **(e) Whether one or more parties seeks to provide a tutorial, and, if so, the anticipated**
 27 **length of time for such tutorial(s).**

1 The Parties do not seek a separate tutorial presentation, but Plaintiff intends to address the
 2 technology and field of art of the '222 Patent at the beginning of its presentation at the Claim
 3 Construction Hearing.

4 **(f) Three potential dates on which a Claim Construction Hearing could be held. These
 5 dates must be within 60 days of the date by which claim construction briefing is to be
 6 completed.**

7 The Parties propose the following dates on which the Claim Construction Hearing could be
 8 held:

- 9 (1) February 7, 2024
 10 (2) February 15, 2024
 11 (3) February 21, 2024

12 **(g) Whether any party proposes to call one or more witnesses at the Claim Construction
 13 Hearing, the identity of those witnesses, and for each witness, a summary of his or her
 14 testimony including, for any expert, each opinion to be offered related to claim
 15 construction. Terms to be construed by the court must be included in a chart that sets
 16 forth the claim language as it appears in the patent with terms and phrases to be
 17 construed in bold and include each party's proposed construction and any agreed
 18 proposed construction.**

19 The Parties state that there are no proposed witnesses for the Claim Construction Hearing.
 20 Terms to be construed by the Court are set forth, as the claim language appears in the patent with
 21 terms and phrases to be construed in bold, in the chart enclosed herewith as Exhibit B.

22
 23 Respectfully submitted this 13th day of November, 2023 by:

24 **BROWNSTEIN HYATT FARBER
 25 SCHRECK, LLP**

26 By: /s/ Matthew D. Francis
 27 Matthew D. Francis
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24 **JENNINGS & FULTON, LTD.**

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30 *Attorneys for Defendant Polymer80, Inc.*

31 *Attorneys for Plaintiff GLOCK, Inc.*

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2 **CERTIFICATE OF SERVICE**
3

4 Pursuant to FRCP 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER
5 SCHRECK, LLP, and on this 13th day of November, 2023, I served the document entitled, **JOINT**
6 **CLAIM CONSTRUCTION AND PREHEARING STATEMENT**, on counsel of record through
7 the CM/ECF system.
8

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10 _____
11 /s/ Jeff Tillison
12 Employee of Brownstein Hyatt Farber
13 Schreck, LLP
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1 **INDEX OF EXHIBITS**

- 2 A. Joint Claim Construction Chart Pursuant to LPR 1-15(b) 14 Pages
3 B. Terms to be Construed by the Court Pursuant to LPR 1-15(g) 2 Pages

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